

The Rt. Hon. Lord (Tariq) Ahmad of Wimbledon

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4th February 2022.

Dear Lord Ahmad,

**SUBJECT: ONGOING UNLAWFUL ARRESTS, ARBITRARY DETENTIONS,
DISAPPEARANCES AND TORTURE**

Following your visit to Sri Lanka, we the undersigned Parliamentarians and other representatives of the Tamil community wish to raise, in writing, some concerns with you regarding the deteriorating human rights situation in Sri Lanka.

We cite some of the publicly reported cases in this document but would be keen to discuss other cases we know of in a private setting.

Torture and Deaths in Police Custody

It is indeed correct for the Scottish police to have stopped training the Sri Lankan police due to the continued use of torture in this country. We hope this decision will not be reversed by your government any time soon, given the current situation.

Please note the following reported cases:

June 2021: Chandran Vithusan, aged 21 years, was picked up by police from his home in Iruthayapuram in Batticaloa one night and was reported dead in the early morning.¹

June 2021: a few days later there was another death in custody and the family believes he was beaten to death by police. Ali Khan, a Muslim manual worker, died on 7 June at the Panadura Base Hospital in the Western Province after arrest by police in the morning.²

Also please note your own Government's Human Rights report cites the Sri Lankan Bar Association saying: 'There were several deaths in custody which the Sri Lankan Bar Association described as having "all the hallmarks of extrajudicial killings."³

¹ <http://www.jdslanka.org/index.php/news-features/human-rights/1023-tamil-youth-dies-in-overnight-police-custody-in-eastern-sri-lanka>

² <http://www.jdslanka.org/index.php/news-features/human-rights/1026-second-death-in-sri-lankan-police-custody-within-three-days>

³ <https://www.gov.uk/government/publications/human-rights-priority-countries-autumn-2021-ministerial-statement/human-rights-priority-countries-ministerial-statement-for-january-to-june-2021>

In the well-known Hejaaz Hizbullah case, reports say one of the witnesses was tortured to try and implicate Hejaaz.⁴

In November 2021 Senior DIG of police, Ranmal Kodituwakku, was accused of stripping naked a person by the name of Mishara Ranasinghe and assaulting the victim physically and also sexually torturing him. In a letter addressed to the President, lawyers for the victim alleged that the SDIG had assaulted the victim on his neck, head, stomach & genitals at the Kiriella Police Station.⁵

Additionally, it is worth observing several of these stories were brought out by Sri Lankan journalists outside the country – indicating that sources outside the country are often able to report human rights violations because they have more space to operate in safety than we who are in the country and who live-in fear.

Continuing Reports of Arbitrary Arrests, Abductions, Disappearances and Mysteries Deaths

The UN (OHCHR) said in 2021:

“OHCHR has also continued to receive credible allegations through well-known human rights organizations of abductions, torture and sexual violence by Sri Lankan security forces since the adoption of resolution 30/1, including in the past year, which need to be credibly investigated.” (A/HRC/46/20).

On the ground, we continue to hear about ongoing unlawful arrests, abductions, illegal detentions by the security forces of Tamils, including astonishingly the first one listed below which occurred while an EU human rights’ investigation team was in country. We also received shocking number of reports of Tamil youth dying in mysterious circumstances leading to the reasonable suspicion that they were abducted, detained, tortured, executed and their bodies dumped. We set out few examples below which are just a tip of the iceberg.

18 February 2021: A Tamil youth (age 26) has been arrested in Point Pedro, Jaffna for their participation in the Pottuvil to Polikandy (P2P) march earlier this month⁶

13 April 2021: A Tamil Civil Society Activist arrested in Colombo (Eelanadu News Paper of 14 April 2021, Page 05).

24 April 2021: A Tamil youth was arrested in Kopay, Jaffna earlier this month for having a photo of the Liberation Tigers of Tamil Eelam (LTTE) leader Velupillai Prabhakaran on his smartphone⁷.

01 July 2021: A Tamil man was abducted in a white van and tortured (Uthayan News Paper of 01 July 2021, Page 13)

28 September 2021: Mr. Manokardhas Subas, 40 yrs, holder of NIC No 198132205735, was abducted by six armed men today in Trincomalee, Eastern Sri-Lanka. Early morning around 5.30 am six armed men in civil dress broke into the

⁴ https://www.dailymirror.lk/top_story/Suspect-tells-Magistrate-he-was-tortured-to-implicate-Hejaaz-Hizbullah/155-223585

⁵ <https://twitter.com/munza14/status/1455395949707030534>

⁶ <https://www.tamilguardian.com/content/tamil-youth-arrested-jaffna-participating-p2p-protest-sri-lanka-intensifies-crackdown>

⁷ <https://www.tamilguardian.com/content/tamil-youth-arrested-over-photo-ltte-leader-phone>

house of Subas at the address of 340/80, Puthukudiyiruppu, Varodhayanagar, Trincomalee, scolded him in filthy language and forcefully took him by a van.⁸

28 September 2021: Mr Manikkam Jeyakumar born on 28 April 1970, who was a former senior member of the LTTE, in charge for the financial division of the LTTE political wing disappeared when he went for morning walk and two days later, his body was found in an abandoned well far from his home with injuries. Tamil Parliamentarians called for enquiry and his family made an application to the Mallakam Magistrate to investigate⁹.

22 December 2021: An unknown body of a male was found in a pond near Uppodai Hotel in Batticaloa¹⁰.

28 December 2021: A woman returned from the UK, went missing and her body was found in a bag.¹¹

06 January 2022: A 20-year-old was reported in the media as missing in what was a suspected abduction.¹²

12 January 2022: A young woman was reported missing in Vavuniya.¹³

14 January 2022: A young family man from Mathagal, Jaffna, named Kadampan (age 38) went missing 3 days ago and his body found in a pond under mysterious circumstances¹⁴.

27 January 2022: Mr Balakrishnan Nirosh (age 30) of Vavuniya went missing¹⁵

Profile of recent victims

These days we see the victims tend to be young men from the north and east who had no connection with the LTTE – indeed they were children during the war.

This phenomenon has been corroborated by MP Rishad Bathiudin who is in jail and reported on twitter that, “*Within last 2 months, 40-45 Tamil youth arrested under Prevention of Terrorism Act are held in prisons. I’ve spoken to some in their early 20s while I was in prison. They must have been 10 or 12 at the time war ended*”.¹⁶

Media reports also speak of the “arrests of many 17 and 18-year-old Tamil and Muslim young men during the last two years”.¹⁷

⁸ <https://srilankabrief.org/sri-lanka-abducted-ex-ltte-cadre-in-ccid-police-custody-family-threatened-son-slapped-by-armed-abductors/>

<http://www.jdslanka.org/index.php/news-features/human-rights/1047-tamil-man-abducted-while-eu-team-is-in-sri-lanka-to-probe-rights-record>

⁹ <https://www.the-quest.org/news/missing-former-ltte-member-found-dead-in-jaffna-tamil-mp-calls-for-investigation/>

¹⁰ <https://www.namathueelanadu.com/?p=20909>

¹¹ http://www.ceylonmuslim.com/2021/12/blog-post_974.html?m=1

¹² <https://www.thaarakam.com/news/a34fc56d-609e-4ad4-bf11-c2b58eb8a057>

¹³ <https://www.the-quest.org/news/sixth-form-female-student-is-missing-in-vavuniya/?amp>

¹⁴ <https://www.namathueelanadu.com/?p=21006>

¹⁵ <https://www.perikai.com/?p=26941>

¹⁶ <https://twitter.com/jdslanka/status/1469320249900216329?s=21>

¹⁷ <https://www.themorning.lk/reform-of-the-prevention-of-terrorism-act-old-wine-in-even-older-bottles/>

Triggers

Protests and Commemorations

The trigger for arrest or abduction appears to be something as simple as participating in commemorations for the dead from the war which is our right and our duty as Tamils or participating in peaceful protests for our rights.

Tamil Guardian reported on arrests of people commemorating the dead in May 2021.¹⁸ Some have now been bailed out.¹⁹

In December 2021 Pottuvil Magistrate's Court took up 2 cases filed against 32 people including political party members, journalists, civil society activists & family members of the disappeared Tamils, who participated in 5 day long P2P protest march across north & east in February 2021.²⁰ This was after the government had threatened those who took part in the P2P protest.²¹

Social Media Posting:

In other cases, people are being arrested just for sharing social media posts about those who died in the war. This practice has been confirmed by the police in a submission to the UN²².

These are some of the cases in the public domain:

Arrests in Batticaloa of people after Nov 2020 Heroes Day: M. Kokulathasan and 8 others were held in Batticaloa prison just for sharing posts on social media about the war dead.²³

P. Rathikaran (29), a Tamil resident of Mutur in the eastern province, was arrested in November 2020 and held over a year under the PTA just for sharing a Facebook post commemorating the war dead.²⁴

In June 2021 there were reports of people being arrested for sharing social media posts including Shanmugarasa Vidulashan.²⁵

This phenomenon was also reported on by Tamil Guardian in March 2021 regarding two Tamils arrested for posting on YouTube.²⁶

¹⁸ Tamil Guardian 'Sri Lanka Arrests Tamil Men and Women Under Terrorism Charges Over Mullivaikkal Commemoration' (18 May 2021) and eporters Without Borders, 'Sri Lanka: Tamil Reporter Held On Absurd Terrorism Charge' (13 January 2021) also <https://www.tamilguardian.com/content/ten-tamils-detained-7-months-commemorating-mullivaikkal-genocide-released-bail>

¹⁹ Tamil Guardian 'Sri Lanka Arrests Tamil Men and Women Under Terrorism Charges Over Mullivaikkal Commemoration' (18 May 2021) and eporters Without Borders, 'Sri Lanka: Tamil Reporter Held On Absurd Terrorism Charge' (13 January 2021) also <https://www.tamilguardian.com/content/ten-tamils-detained-7-months-commemorating-mullivaikkal-genocide-released-bail>

²⁰ <https://twitter.com/JDSLanka/status/1471851471994068996?s=20>

²¹ <https://twitter.com/jdslanka/status/1359086757212532737>

²² Annex to GOSL response to PTA letter from 7 UN special mandate holders.

²³ WSWS.ORG 'Six Months Have Passed Since the Government Imprisoned Tamil Journalist Kokulathasan' (15 June 2021) [In Sinhala] <<https://www.wsws.org/si/articles/2021/06/15/goku-j15.html>>. AND RSF.

²⁴ <https://twitter.com/JDSLanka/status/1470756316784304131>

²⁵ JDSLanka, Twitter (3 July 2021) <<https://twitter.com/JDSLanka/status/1411223791326408708>> and JDSLanka, Twitter (3 July 2021) <<https://twitter.com/jdslanka/status/1411254567535321090>>.

²⁶ <https://www.tamilguardian.com/content/sri-lankan-tid-arrest-two-tamil-youtubers-promoting-terrorism>

LTTE Profile

There remain cases of former LTTE cadres also being arrested and concerns remain about whether this is mainly an attempt to construct a narrative about an LTTE resurgence being a threat to the nation. Such a narrative is an excuse for fear mongering against Tamils and is used to justify continued militarisation of the north and east. Many of these arrestees are past their prime and some had received Rehabilitation by the state.

Pakyathurai Naguleshwaran, a native of Trincomalee, was sent back from Qatar and arrested. There is no more news of his fate.²⁷

Thangaras Thevathasan and a couple, one of whom was reported as a former LTTE member, were arrested on 2 December 2020 onboard a bus travelling from Jaffna to Kandy and were found to be in possession of a claymore mine hidden in a bag²⁸.

Five Tamils were arrested in April 2021, including one former LTTE cadre, by TID. TNA MP Charles Nirmalanathan urged the international community to act, stating that the arrests were part of an ongoing crackdown in the North-East to appease the Sri Lankan government's Sinhalese voters and to keep the threat of the LTTE regrouping alive in their imaginations in order to distract from problems in the South.²⁹

Parliamentarians

In December 2021 the Secretary of former Tamil National Alliance (TNA) MP Sivasakthi Anandan was questioned by TID over a protest held by Tamil families of the disappeared.³⁰

In September 2021 MP Selvarajah Kajendran was arrested for remembering Thileepan who died campaigning for Tamils.³¹

In May 2021 the Counter Terrorism Investigation Division visited the house of Batticaloa District Civil Society Forum's president S. Sivayoganathan & interrogated him for over an hour about his involvement in organising P2P protest march in February.³²

In April 2021, the Jaffna Mayor was arrested and accused of prompting LTTE ideology.³³

In February 2021, MP Shanakiyan Rasamanickam was interrogated by six Police officials on the P2P protest (held from Pottuvil to Polikandy).³⁴

In July 2020, the former Chief Minister, Justice C V Wigneswaren MP (83 years of age) has been called for questioning by the CID³⁵. His statement has been obtained and is due to be sent to the Attorney General for action. (One of the signatories to the document)

²⁷ <http://www.adaderana.lk/news/75369/tid-arrests-qatar-deportee-for-promoting-ltte>

²⁸ http://data.parliament.uk/DepositedPapers/Files/DEP2021-0715/Home_Secretary_to_HASC_Chair.pdf

²⁹ <https://www.tamilguardian.com/content/former-ltte-cadre-among-5-tamils-arrested-sri-lanka-terrorism-division>
Also <https://www.tamilguardian.com/content/sri-lankan-police-threaten-kilinochchi-council-chair-over-road-named-after-former-ltte-cadre>

³⁰ <https://www.tamilguardian.com/content/sri-lanka-s-tid-interrogates-former-tna-mps-staffer-over-tamil-protest>

³¹ <https://www.aljazeera.com/news/2021/9/24/sri-lanka-arrests-tamil-mp-separatist-rebel>

³² <https://twitter.com/JDSLanka/status/1396454743724249092>

³³ <https://www.thehindu.com/news/international/sri-lanka-police-arrest-jaffna-mayor-using-anti-terrorism-law/article34284520.ece>

³⁴ Newswire, 'TNA MP Shanakiyan Questioned

by Police Stations' (19 February 2021) <https://twitter.com/newswirelk/status/1362773477988524032>

³⁵ <https://www.tamilnet.com/art.html?catid=13&artid=39899>

Journalists

In March 2021, The Sri Lankan Terrorism Investigation Division (TID) arrested two Tamils in Jaffna on Monday for allegedly “promoting terrorism” and promoting "terrorism-related activities" on their YouTube channel³⁶.

In July 2021 Punniamoorthy Sasikaran, a journalist in eastern Sri Lanka was reported being continuously intimidated by police who had visited his house twice within two days, soon after the UN High Commissioner released a damning report on Sri Lanka's human rights performance.³⁷

In November 2021 there was a well-publicised attack on journalist Vishwalingam Vishwachandran by the Army³⁸ which was not credibly investigated.³⁹

In December 2021, A.R. Saheer Ahamed, another journalist from Addalaichenai in the eastern district of Amparai was threatened with death by a plain-clothes officer attached to Akkaraipattu police station, asking him to withdraw a complaint he made to HRCSL.⁴⁰

Units Involved

It is clear from the above that the police are still involved in abductions, torture and deaths in custody. However, there was also the beating incident of a journalist by the Army as well as a report of military intelligence beating a fisherman with cricket wicket stumps while tied up.⁴¹

A security force insider anonymously tweeting (for his security) said there was still “A network of secretive safe-houses in public areas, supported by camps, ensures that Military Intelligence is specially protected and concealed from the law”.⁴²

We note your article in the Daily Mirror⁴³ on Saturday which sets out your approach to relations with Sri Lanka and we urge you to place more priority on human rights and criminal accountability. There is nothing in your article mentioning ongoing violations or the appalling fate of the Families of the Disappeared in Sri Lanka.

We look to the UK, as the pen holder for the Geneva process, to do more to vet and screen Sri Lankan officials it engages with, to apply Magnitsky Sanctions to Sri Lankan alleged war criminals, to exercise universal jurisdiction over alleged perpetrators and to speak out about ongoing grave violations of human rights that drive so many of our people to flee their homes and seek refuge abroad.

We also request for a meeting with you, in order to share more first-hand information and further evidence in this regard and assist you to take meaningful action.

³⁶ <https://www.tamilguardian.com/content/sri-lankan-tid-arrest-two-tamil-youtubers-promoting-terrorism>

³⁷ <http://www.jdslanka.org/index.php/news-features/media/995-sri-lanka-tamil-journalist-harassed-by-police-twice-in-two-days-video> and JDSLanka ‘Intimidation of Tamil Journalists Continues Unabated in Sri Lanka’ (15 July 2021) <<http://www.jdslanka.org/index.php/news-features/media/1032-intimidation-of-tamil-journalists-continues-unabated-in-sri-lanka>>.

³⁸ <https://www.newindianexpress.com/world/2021/nov/30/lankan-soldiers-accused-of-brutally-attacking-tamil-journalist-covering-commemoration-of-civil-war-2389947.html>

³⁹ <http://www.jdslanka.org/index.php/news-features/politics-a-current-affairs/1061-sri-lanka-military-to-probe-itself-over-alleged-torture-of-tamil-journalist>

⁴⁰ <https://twitter.com/JDSLanka/status/1472514872818688001>

⁴¹ <https://twitter.com/lankafiles/status/1473511113203486721>

⁴² https://twitter.com/securitas_pub/status/1445061197057835011?s=11

⁴³ <https://www.dailymirror.lk/opinion/Britain-says-Sri-Lanka-needs-good-governance-and-equal-rights-for-all/172-229147>

Yours Sincerely,



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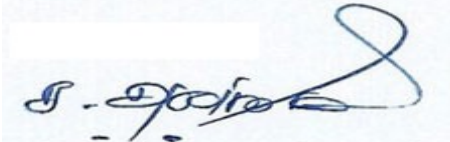
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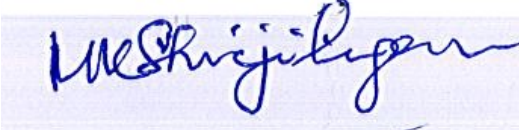
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Encl:

- 1) List of most recent Reported Cases of on-going human rights violations, including abductions, arbitrary arrests, torture, sexual violence, persecution, harassment, death in Police custody and other mysterious deaths documented by the local News Papers in Sri Lanka (From November 2019 until to date).